

**Remarks**

Claims 45 and 47-53 remain in this application. Claims 1-44 and 46 have been canceled.

In view of the examiner's earlier restriction requirement, applicant retains the right to present claims 15, 17, 19 and 21-28.

Claim Rejections – 35 USC §112

Claims 16, 18, 20 and 29-46 have been rejected under 35 USC §112, first paragraph as allegedly containing subject matter not described in the specification.

Applicants respectfully disagree with the Examiner.

The Examiner's attention is respectfully directed to page 5, lines 10 to 13 of the specification which provides support for the recitation of "wherein the extract contains not less than 1 wt. % of alkaloids and not less than 1 wt % of withanolides".

Reconsideration and withdrawal of this rejection is requested.

Claims 16, 18, 20, 21, 29-40 and 42-45 have been rejected under 35 USC §112, first paragraph, as allegedly being based on a non-enabling disclosure.

This rejection is believed to be moot since the rejected claims have now been cancelled or amended to overcome the rejection. It is noted that applicants have taken this course of action only to facilitate allowance of claims in this application and they do not concede that the rejection is correct.

Claim Rejections – 35 USC § 102

Claims 16, 18, 20, 31, 34, 35, 38, 41 and 42 have been rejected under 35 USC §102(b) as allegedly being anticipated by Chavali.

The rejection is moot because of the cancellation of these claims.

Claims 16, 32, 33, 34, 36, 37, 39, 40, 43, 44, 45 and 46 have been rejected under 35 USC §102(b) as allegedly being anticipated by Rao.

Applicants respectfully traverse this rejection. Applicant's claims 45 and 47-53 recite a method of restoring sperm count of a male subject compromised by an endocrine disturbing chemical. It is urged that Rao neither teaches nor suggests such a method. While Rao may suggest intraperitoneal administration of ether and ethanol extracts of *Withania somnifera*, Rao does not teach or suggest the restoration of sperm count in a male subject as recited in the present claims. It is urged that Rao fails as an anticipation since Rao does not exactly disclose the elements of present claims 45 and 47-53.

Reconsideration and withdrawal of this rejection is respectfully requested.

It is believed that the pending claims are in condition for allowance. Early and favorable action by the Examiner is earnestly solicited.

**AUTHORIZATION**

If the Examiner believes that issues may be resolved by telephone interview, the Examiner is respectfully urged to telephone the undersigned at (212) 801-2146. The undersigned may also be contacted by e-mail at [ecr@gtlaw.com](mailto:ecr@gtlaw.com).

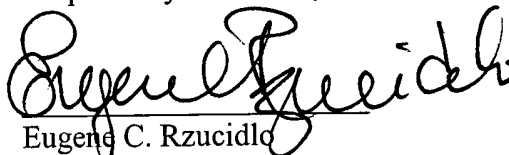
No additional fee is believed to be necessary. The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 50-1561.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 50-1561.

Dated: September 9, 2003

Respectfully submitted,

By:



Eugene C. Rzucidlo

Registration No. 31,900

Customer Number: 32361